

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MALONI SEYFARTH; and all others)
similarly situated,)

Plaintiff(s),)

v.)

REESE LAW GROUP, P.L.C.; FORD)
MOTOR CREDIT COMPANY, LLC;)
HARLAN M. REESE and JANE DOE)
REESE, husband and wife,)

Defendant(s).)

Case No.: C09 5727 BHS

ORDER OF FINAL APPROVAL

In compliance with the Court's Order (ECF No. 64), notice was given of the Final Approval Hearing set for April 14, 2014, at 1:30 PM. The March 17, 2014, hearing was continued to April 14, 2014, after new counsel for Plaintiff associated. A Notice of Proposed Class Action Settlement ("Notice") as approved by this Court was mailed to potential class members at their last known address. On January 16, 2014, Notice was mailed by First Class, Inc. via first class mail, postage prepaid, to those persons whom Defendants, class counsel and the class administrator were able to identify as class members. The Notice apprised class members of their right to exclude themselves ("opt out") or object to or comment on the

1 Settlement, intervene, and of class counsel's request for attorney's fees and expenses. Class
2 administrator reports receiving one hundred twenty-four (124) notices returned as undeliverable.
3 No class members chose to opt-out. No class members have objected or intervened. Two class
4 member called to discuss the case with questions that were answered to her satisfaction. One
5 class member indicated an intent to address the Court at the final fairness hearing.

6 The last day for the class members to opt out, object, or intervene was February 27, 2014.
7 There were no requests to intervene, object or opt out of the class settlement.
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9 IT IS HEREBY ORDERED that:

- 10 1. This Court has jurisdiction over the claims of class members asserted in this
11 action and over all parties to the action.
- 12 2. The class members to whom this Final Order and Judgment applies and binds are
13 described as follows: All persons in the state of Washington against whom a writ
14 of garnishment was served by Reese Law Group, P.L.C. and/or Harlan Reese
15 based on a judgment in favor of Ford Motor Credit, Co. between November 24,
16 2008, and the present.
- 17 3. The Class Settlement Agreement is APPROVED and Final Approval of the class
18 settlement is GRANTED.
- 19 4. The Notice, given to the members of the class, fully and accurately informed the
20 class members of all material elements of the proposed Settlement and their
21 opportunity to participate in or be excluded from it; was the best notice
22 practicable under the circumstances; was valid, due, and sufficient notice to all
23 class members; and complied fully with Fed. R. Civ. P. 23, the United States
24 Constitution, due process, and other applicable law. No class member filed
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1 objections with the Court. The class was afforded a full opportunity to participate
2 in the Fairness Hearing. Accordingly, the Court determines that all members of
3 the class who have not timely elected to opt out from the class in the manner
4 described in the Notice are included in the class and are bound by this Order and
5 Judgment.

6 5. The Court finds that, for the reasons set forth in the Preliminary Order and the
7 submissions of the parties, all applicable requirements of Fed. R. Civ. P. 23 have
8 been satisfied with respect to the class and settlement of its claim and that the
9 class settlement is fair, adequate, and reasonable.

10 6. The Court finds that the mailing of the Class Notice satisfies the requirements of
11 due process and Fed. R. Civ. P. 23.

12 7. The Court finds that Maloni Seyfarth fairly and adequately represented the
13 interests of the class.

14 8. The Court finds that Michael D. Kinkley and Kirk D. Miller are qualified as class
15 counsel and provided adequate representation of the class.

16 9. The Court finds that, for purposes of determining an attorney fee, this is a
17 "successful action" as defined by 15 USC § 1692k(3). The Plaintiff is entitled to
18 reasonable attorney fees and costs from the Defendant. Class counsel, Michael D.
19 Kinkley, of Michael D. Kinkley, P.S. shall be paid reasonable costs and attorney's
20 fees by the Reese Defendants in the amount of thirty-six thousand dollars
21 (\$36,000.00).

22 10. Proposed class members were to opt out on or before February 27, 2014. Motions
23 to Intervene were to be filed on or before February 27, 2014. Any objections to
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1 the proposed settlement were to be filed with the Clerk on or before February 27,
2 2014. The Final Fairness Hearing was conducted before the Honorable Benjamin
3 H. Settle, on April 14, 2014, at 1:30 p.m.

4 11. A total of three hundred forty-six (346) notices were mailed.

5 12. A cumulative total of two hundred twenty-three (223) notices were successfully
6 delivered. A cumulative total of one hundred twenty-three (123) notices were
7 undeliverable.

8 13. No class members opted out.

9 14. This action and all claims and causes of action asserted therein are dismissed with
10 prejudice and without additional costs not identified in the settlement agreement
11 and Court Orders.

12 15. Without affecting the finality of this Order, this Court shall retain exclusive and
13 continuing jurisdiction over this action and the parties, including all class
14 members, for purposes of supervising, administering, implementing, enforcing,
15 and interpreting the Settlement, and the disbursement process. The parties have
16 stipulated to the Court retaining jurisdiction to enforce this settlement agreement
17 and to enter an additional attorney fee award.

18 16. Any disputes or controversies arising with respect to the interpretation of this
19 Settlement shall be presented by motion to this Court.

20 17. The Court finds this class settlement is fair, reasonable, and adequate to the class.
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1 18. The terms of the Settlement Agreement are incorporated into this Order as though
2 fully set forth herein.

3 IT IS SO ORDERED.

4 DATED this 14 day of April, 2014.

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9 BENJAMIN H. SETTLE
United States District Judge